Rule 401. Definition of "Relevant Evidence"

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Committee Comment - 1977

The threshold test for the admissibility of evidence is the test of relevancy. Essentially, it is a test of logic, and assessment of probative value. Evidence must have some probative value or it should not be admitted. The rule adopts a liberal as opposed to restrictive approach to the question of relevancy. If the offer has any tendency to make the existence of a fact of consequence more or less probable than it would be without the evidence it is relevant. A slight probative tendency is sufficient under Rule 401. Even where probative value is established and the evidence is relevant it still might be excluded under various other provisions in these rules, state and federal constitutions and other court rules. Rule 402.

The evidentiary offer must tend to prove or disprove a fact that is of consequence to the litigation. What is of consequence to the litigation depends upon the scope of the pleadings, the theory of recovery and the substantive law. The rule avoids reference to materiality, an overused term meaning different things in different situations. The fact to be established need not be an ultimate fact or a vital fact. It need only be a fact that is of some consequence to the disposition of the litigation.

The liberal approach to relevancy is consistent with Minnesota practice. In Boland v. Morrill, 270 Minn. 86, 98, 99, 132 N.W.2d 711, 719 (1965) the Court defined relevancy as a function of the effect the offered evidence might have upon the proof of a material fact in issue:

If the offered evidence permits an inference to be drawn that will justify a desired finding of fact, it is relevant. Reduced to simple terms, any evidence is relevant which logically tends to prove or disprove a material fact in issue.